

AMENDED IN SENATE JUNE 14, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2083**

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**Introduced by Assembly Member Chu**

February 17, 2016

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An act to amend Section 11174.32 of the Penal Code, relating to crime.

LEGISLATIVE COUNSEL’S DIGEST

AB 2083, as amended, Chu. Interagency child death review.

Existing law authorizes a county to establish an interagency child death review team to assist local agencies in identifying and reviewing suspicious child deaths and facilitating communication among persons who perform autopsies and the various persons and agencies involved in child abuse or neglect cases. Existing law requires records that are exempt from disclosure to 3rd parties pursuant to state or federal law to remain exempt from disclosure when they are in the possession of a child death review team.

This bill would authorize the voluntary disclosure of specified information, including mental health records, criminal history information, and child abuse reports, by an individual or agency to an interagency child death review team. *The bill would provide that written or oral information disclosed to a child death review team pursuant to these provisions would remain confidential, and would not be subject to disclosure or discovery by a 3rd party unless otherwise required by law.*

*Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating*

*the interest protected by the limitation and the need for protecting that interest.*

*This bill would make legislative findings to that effect.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11174.32 of the Penal Code is amended  
2 to read:

3 11174.32. (a) Each county may establish an interagency child  
4 death review team to assist local agencies in identifying and  
5 reviewing suspicious child deaths and facilitating communication  
6 among persons who perform autopsies and the various persons  
7 and agencies involved in child abuse or neglect cases. Interagency  
8 child death review teams have been used successfully to ensure  
9 that incidents of child abuse or neglect are recognized and other  
10 siblings and nonoffending family members receive the appropriate  
11 services in cases where a child has expired.

12 (b) Each county may develop a protocol that may be used as a  
13 guideline by persons performing autopsies on children to assist  
14 coroners and other persons who perform autopsies in the  
15 identification of child abuse or neglect, in the determination of  
16 whether child abuse or neglect contributed to death or whether  
17 child abuse or neglect had occurred prior to but was not the actual  
18 cause of death, and in the proper written reporting procedures for  
19 child abuse or neglect, including the designation of the cause and  
20 mode of death.

21 (c) In developing an interagency child death review team and  
22 an autopsy protocol, each county, working in consultation with  
23 local members of the California State Coroner's Association and  
24 county child abuse prevention coordinating councils, may solicit  
25 suggestions and final comments from persons, including, but not  
26 limited to, the following:

- 27 (1) Experts in the field of forensic pathology.
- 28 (2) Pediatricians with expertise in child abuse.
- 29 (3) Coroners and medical examiners.
- 30 (4) Criminologists.
- 31 (5) District attorneys.
- 32 (6) Child protective services staff.

1 (7) Law enforcement personnel.

2 (8) Representatives of local agencies which are involved with  
3 child abuse or neglect reporting.

4 (9) County health department staff who deals with children's  
5 health issues.

6 (10) Local professional associations of persons described in  
7 paragraphs (1) to (9), inclusive.

8 (d) Records exempt from disclosure to third parties pursuant to  
9 state or federal law shall remain exempt from disclosure when  
10 they are in the possession of a child death review team.

11 (e) Written and oral information *pertaining to the child's death*  
12 *as requested by a child death review team* may be disclosed to a  
13 child death review team established pursuant to this section. The  
14 team may make a request, in writing, for the information sought  
15 and any person with information of the kind described in paragraph  
16 (2) may rely on the request in determining whether information  
17 may be disclosed to the team.

18 (1) An individual or agency that has information governed by  
19 this subdivision shall not be required to disclose information. The  
20 intent of this subdivision is to allow the voluntary disclosure of  
21 information by the individual or agency that has the information.

22 (2) The following information may be disclosed pursuant to this  
23 subdivision:

24 (A) Notwithstanding Section 56.10 of the Civil Code, medical  
25 information, unless disclosure is prohibited by federal law.

26 (B) Notwithstanding Section 5328 of the Welfare and  
27 Institutions Code, mental health information.

28 (C) Notwithstanding Section 11167.5, information from child  
29 abuse reports and investigations, except the identity of the person  
30 making the report, which shall not be disclosed.

31 (D) State summary criminal history information, criminal  
32 offender record information, and local summary criminal history  
33 information, as defined in Sections 11105, 11075, and 13300,  
34 respectively.

35 (E) Notwithstanding Section 11163.2, information pertaining  
36 to reports by health practitioners of persons suffering from physical  
37 injuries inflicted by means of a firearm or of persons suffering  
38 physical injury where the injury is a result of assaultive or abusive  
39 conduct.

1 (F) Notwithstanding Section 10850 of the Welfare and  
2 Institutions Code, records of in-home supportive services, unless  
3 disclosure is prohibited by federal law.

4 (3) *Written or oral information disclosed to a child death review*  
5 *team pursuant to this subdivision shall remain confidential, and*  
6 *shall not be subject to disclosure or discovery by a third party*  
7 *unless otherwise required by law.*

8 (f) (1) No less than once each year, each child death review  
9 team shall make available to the public findings, conclusions and  
10 recommendations of the team, including aggregate statistical data  
11 on the incidences and causes of child deaths.

12 (2) In its report, the child death review team shall withhold the  
13 last name of the child that is subject to a review or the name of the  
14 deceased child's siblings unless the name has been publicly  
15 disclosed or is required to be disclosed by state law, federal law,  
16 or court order.

17 *SEC. 2. The Legislature finds and declares that Section 1 of*  
18 *this act, which amends Section 11174.32 of the Penal Code,*  
19 *imposes a limitation on the public's right of access to the meetings*  
20 *of public bodies or the writings of public officials and agencies*  
21 *within the meaning of Section 3 of Article I of the California*  
22 *Constitution. Pursuant to that constitutional provision, the*  
23 *Legislature makes the following findings to demonstrate the interest*  
24 *protected by this limitation and the need for protecting that*  
25 *interest:*

26 *In order to facilitate the voluntary disclosure of confidential*  
27 *information to child death review teams and to retain the*  
28 *confidentiality of that information, the limitations on the public's*  
29 *right of access imposed by Section 1 of this act are necessary.*